

Serial Number: 10/029,161

Docket Number: 10019035-1

REMARKS

Upon entry of this Response, claims 1-18 remain pending in the present patent application. Claims 1-3, 8, 9, 11-13, 15, 16, and 18 have been amended. Applicant requests reconsideration of the pending claims in view of the following remarks.

In item 2 of the Office Action, claims 1-3, 5-9, 11-13, 15, 16, and 18 have been rejected under 35 U.S.C. §102(e) as being anticipated by US Patent 6,421,714 issued to Rai et al. (hereafter "Rai"). Anticipation under §102 "requires the disclosure in a single prior art reference of each element of the claim under construction. W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 313 (Fed. Cir. 1983). For the reasons that follow, Applicant respectfully asserts that Rai fails to show or suggest each of the elements of claims 1-3, 5-9, 11-13, 15, 16, and 18 as amended or originally presented. Accordingly, Applicant requests that the rejection of these claims be withdrawn.

To begin, claim 1 has been amended to recite as follows:

1. A network tunneling method, comprising:
providing a client linked to an internal network;
simulating an operation of a modem in the client to
establish data communications between the client and a portable
device;
tunneling access to a plurality of devices on an external
network for the portable device through the client and a network portal
on the external network; and
preventing access by the portable device to a plurality of
devices on the internal network while tunneling the access to the
plurality of devices on the external network.

With respect to claim 1, the Office Action states:

"Regarding claim 1, Rai et al. (USPN 6,421,714) teach a system for network tunneling with means for:

- b. Simulating an operation of a modem in the client with respect to a portable device (column 4, line 66 – column 5, line 2; column 6, lines 21-27)."

Applicants respectfully disagree. Specifically, at column 4, line 66 through column 5, line 2, Rai states:

"The present invention provides computer users with remote access to the internet and to private intranets using virtual private network services over a high speed, packet switched, wireless data link. These users are able to access the public internet, private internets and their Internet service providers over a wireless link."

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This is merely generalized discussion of remote access to the internet or private intranets. It does not show or suggest the concept of simulating an operation of a modem in the client to establish data communications between the client and a portable device as claimed. The statement that the above excerpt shows or suggests the respective element of claim 1 impermissibly overextends the fair teachings of Rai. Also, at column 6, lines 21-27, Rai states:

"At Mobile Switching Center 40 (MSC 40), packet data inter-working function (IWF) 52 terminates the wireless protocols for this network. IP router 42 connects MSC 40 to public internet 44, private intranets 46 or to internet service providers 46. Accounting and directory servers 48 in MSC 40 store accounting data and directory information."

The above excerpt merely describes a mobile switching center that terminates a wireless protocol for a network. It does not show or suggest the concept of simulating an operation of a modem in the client to establish data communications between the client and a portable device as claimed. Where is the operation of a modem simulated?

In addition, claim 1 has been amended to recite the step of "preventing access by the portable device to a plurality of devices on the internal network while tunneling the access to the plurality of devices on the external network". Applicant asserts that Rai does not show or suggest such an element. Rather, Rai discusses network access to devices on both internal and external networks. In this respect, Rai teaches away from the invention as set forth in claim 1.

Accordingly, Applicant requests that the rejection of claim 1 be withdrawn. In addition, Applicant requests that the rejection of independent claims 8, 12, and 15 as amended for the reasons discussed above with reference to claim 1 to the extent that such reasons apply. In addition, Applicant requests that the rejection of claims 2, 3, 9, 11, 13, 16, and 18 be withdrawn as depending from claims 1, 8, 12, or 15. In addition, it is noted that the amendments to claims 2, 3, 9, 11, 13, 16, and 18 are presented so that such claims are compatible with the amendments to claims 1, 8, 12, or 15, respectively.

In addition, claim 2 recites as follows:

2. The network tunneling method of claim 1, wherein the step of tunneling the access to the plurality of devices on the external network further comprises tunneling the network access beyond a protected side of a firewall where the client is located on the protected side of the firewall.

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With respect to claim 2, the Office Action states:

"Regarding claim 2 Rai et al. (USPN 6,421,714) teach all the limitations as applied to claim 1. They further teach means wherein the step of tunneling the network access by the portable device from the client to the network portal further comprises tunneling the network access beyond a protected side of a firewall where the client is located on the protected side of the firewall (column 34, lines 23-32)."

Applicant respectfully disagrees. Specifically, at column 34, lines 23-32, Rai states:

"The software for home domain directory management preferably provides a graphical user interface (GUI) based HDD management interface for system administrators. Using this GUI, system administrators are able to view and update entries in the HDD. This GUI is not intended for use by foreign wireless network service providers to perform remote updates based on roaming agreements. It is only intended for use by trusted personnel of the home wireless service provider operating behind fire walls."

Claim 2 specifies that network access is tunneled beyond a protected side of a firewall where the client is located on the protected side of the firewall. The above excerpt discusses a graphical user interface that is employed for management of a home domain directory that is stored on the same protected side of a fire wall. In this respect, Rai does not show or suggest anything related to the concept of providing network access that is tunneled beyond the protected side of a firewall. In this respect, Rai teaches away from such a concept.

Accordingly, Applicant requests that the rejection of claim 2 be withdrawn for these reasons in addition to those described above with reference to claim 1.

In item 11 of the Office Action, claims 4, 10, 14, and 17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rai in view of US Patent 6,775,366 issued to Cobbett et al. Applicant notes that claims 4, 10, 14, and 17 ultimately depend from claims 1, 8, 12, and 15. Accordingly, Applicant asserts that the cited combination of references fails to show or suggest the elements of claims 4, 10, 14, and 17 for at least the reasons discussed above with reference to claims 1, 8, 12, and 15. Therefore, Applicant requests that the rejection of claims 4, 10, 14, and 17 be withdrawn.

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CONCLUSION

Applicant respectfully requests that all outstanding objections and rejections be withdrawn and that this application and all presently pending claims be allowed to issue. If the Examiner has any questions or comments regarding Applicant's response, the Examiner is encouraged to telephone Applicant's undersigned counsel.

Respectfully submitted,


Michael J. D'Aurelio
Reg. No. 40,977

D'Aurelio & Mathews, LLC
5755 Granger Road, Suite 365
Cleveland, Ohio 44131
Phone: (216) 459-8302
Fax: (216) 459-8301